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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,230	01/23/2004	Larry Yaw	BHT-3117-182	4506

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EXAMINER

CHIN, RANDALL E

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

CM

Office Action Summary	Application No. 10/762,230	Applicant(s) YAW, LARRY	
	Examiner Randall Chin	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claim 4 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 06 April 2006.

2. Applicant's election of Fig. 3, claims 1-3 in the reply filed on 05 April 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

3. The substitute specification filed 24 January 2006 is approved and has been accepted.

4. The disclosure is objected to because of the following informalities:

On p. 3, lines 9-10, the recitation "it may constrict the scraping layer 20 not to shrink or lengthen or disfigure" is awkwardly written and does not make sense.

Also, on p. 3, lines 11-12, the sentence "The elastic strings 21...in a large washing machine" is awkwardly written and does not make sense.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Fereshtehkhov 6,561,354 (hereinafter Fereshtehkhov '354).

Fereshtehkhov '354 teaches a disfigure-resistant plastic-string sheet or mat comprising a “scraping” layer 100 made of countless number of plastic (col. 8, lines 55-59) elastic strings (col. 8, lines 49-62; Figs. 3 and 5-9) formed to pile up randomly and irregularly as countless “rings” interlocking and intercrossing with one another, said strings forming countless gaps among them, and a lattice-shaped net layer 200 weaved with fiber of “high strength and low tensibility” (merely relative) and fused under said scraping layer, said lattice-shaped net layer fused with said scraping layer by immersing said lattice-shaped net layer in plastic solution (EVA adhesive) homogeneous with said scraping layer under high temperature (col. 9, line 49 to col. 10, line 14). The recitation “said lattice-shaped layer firmly combining with said scraping layer once cooled” is drawn more to a method step not germane to patentability in apparatus claims. Additionally, to the extent that Applicant’s scraping layer discloses countless “rings” (Applicant’s Fig. 3), Fereshtehkhov '354 is deemed to also teach such “rings” since they are fibrous in form, entangled, and distributed randomly with a certain degree of orientation (col. 8, lines 49-67) and as shown in Figs. 5-8.

As for claim 2, the fiber can be polyethylene (PET) of "low" tensiblility (merely a relative expression) as recited in col. 9, lines 41-46.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fereshtekhou '354.

As for the lattice-shaped net layer having a strength in a range between 500 N/m and 10,000 N/m, it is the Examiner's position that such specified range could well be within the capabilities of one of ordinary skill in the art to select through optimization techniques in order to provide for a net layer strength sufficient for its intended purpose.

Conclusion

9. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new grounds of rejection.

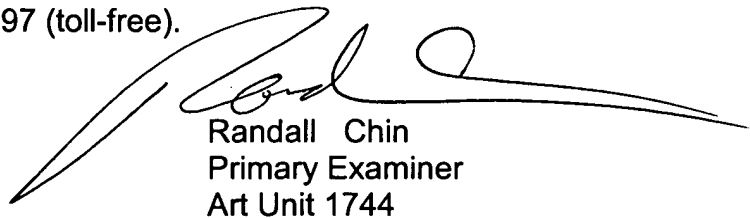
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Hall, Secrist, Thomford, Thibodeau, and Brown are relevant to various fibrous layers attached to net or mesh-like structures.

Art Unit: 1744

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

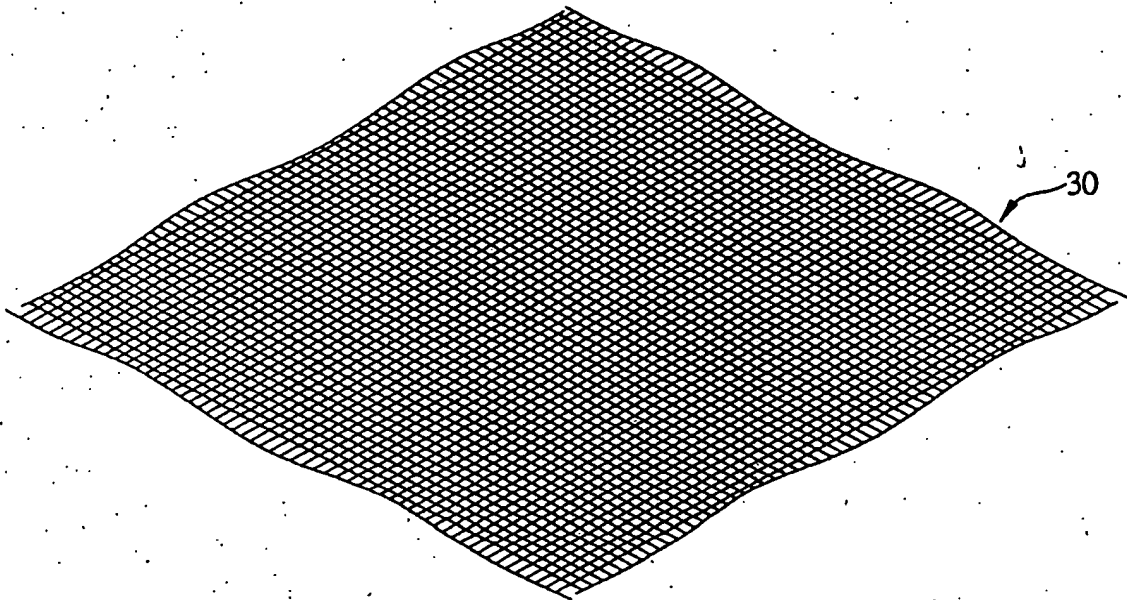
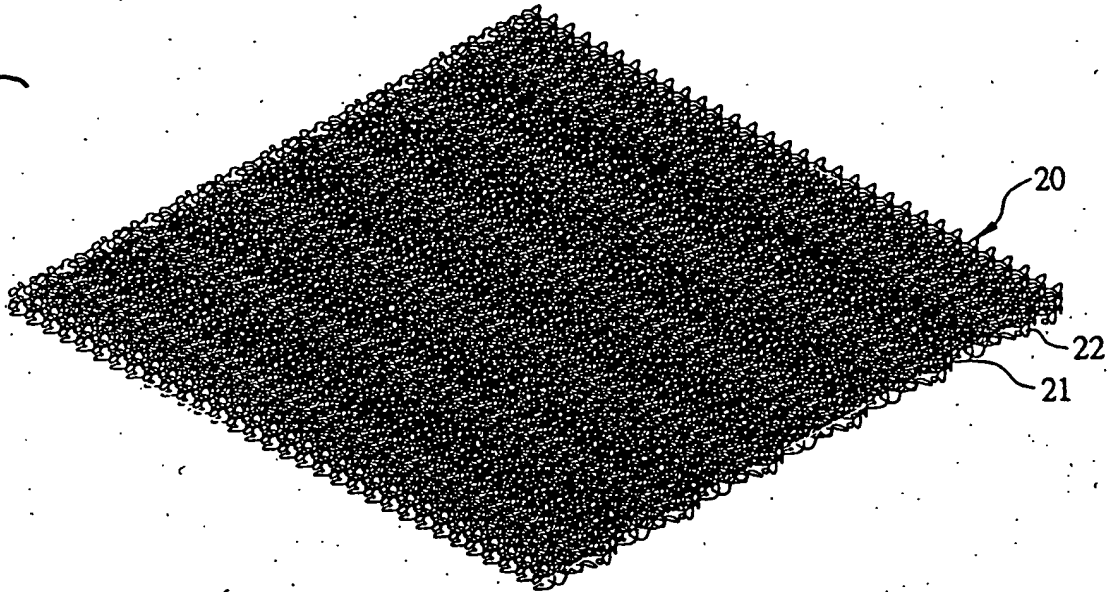
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Randall Chin
Primary Examiner
Art Unit 1744

ANNOTATED MARKED-UP DRAWING



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FIG. 2